



## Council Report

To: The Honorable Mayor and City Council  
From: Marc Elias, Chief of Police  
Date: January 5, 2012  
RE: Re-Appointment of Code Enforcement Special Magistrate

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### **RECOMMENDATION**

The Police Department recommends that Regine Monestime, Esq., be re-appointed as a Code Enforcement Special Magistrate for the City of North Miami.

### **BACKGROUND**

Under Section 2-108 of City of North Miami Code of Ordinances, and pursuant to Florida Statutes, Ch. 162.03(2), special magistrates designated and determined to be qualified by the city council shall have authority to adjudicate ordinance violations.

To be eligible for service as a special magistrate, a person must either: be a retired Florida judge, or be a member in good standing of the Florida bar for at least five (5) years.

By code, a special magistrate's term of appointment shall be limited to one (1) year, and a special magistrate may be re-appointed by the city council provided that said magistrate possesses the qualifications required by code.

The city council appointed Regine Monestime, Esq., as a special magistrate for the city. Her term of appointment expired in November 2011. In order for Ms. Monestime to continue in this role, the city council must re-appoint her at this time.

### **ATTACHMENTS**

None

ME/apg

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE RE-APPOINTMENT OF SPECIAL MAGISTRATE FOR CODE ENFORCEMENT PROCEEDINGS AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE A ONE (1) YEAR LETTER AGREEMENT WITH THE SPECIAL MAGISTRATE; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, the City Code requires that the special magistrate be either a retired Florida judge or a member in good standing of the Florida Bar for at least five (5) years; and

**WHEREAS**, in November of 2009, staff interviewed several potential special magistrates and selected attorney Regine Monestime as the best candidate suited for the needs of the City and appointed her to serve for a one (1) year term as a special magistrate; and

**WHEREAS**, Regine Monestime has served the one (1) year term to the satisfaction of the City and the City desires to re-appoint attorney Monestime for an additional term; and

**WHEREAS**, the Mayor and City Council desire to re-appoint attorney Monestime as special magistrate for code enforcement proceedings for a one (1) year period with an option to renew for an additional one (1) year term.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Recitals.** The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

**Section 2. Designation of Special Magistrate.** The Mayor and City Council of the City of North Miami, Florida, hereby designate attorney Regine Monestime as special magistrates for a one (1) year period with an option to renew for an additional one (1) year term.

**Section 3. Authority of City Manager and City Attorney.** The City Manager and City Attorney are hereby authorized to execute a letter agreement, in substantially the attached form, with attorney Monestime.

**Section 4.**    **Effective Date.** This Resolution shall become effective immediately upon approval.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of January, 2012.

\_\_\_\_\_  
ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
ROLAND C. GALDOS  
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Marie Erlande Steril	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Jean R. Marcellus	_____ (Yes)	_____ (No)



January 11, 2012

Regine Monestime, Esq.  
12550 Biscayne Blvd., Suite 800  
North Miami, FL 33181

**RE: RE-APPOINTMENT AS SPECIAL MAGISTRATE**

Dear Attorney Monestime:

This correspondence is intended to set forth a letter agreement between the City of North Miami ("City"), a Florida municipal corporation, and attorney Regine Monestime ("Special Magistrate"), an independent contractor, (collectively referred to as "Parties").

The Parties agree as follows:

1. **Appointment of the Special Magistrate:** Pursuant to the City Charter, the City Council appoints Attorney Regine Monestime, as a Special Magistrate, effective January 11, 2012.
2. **Term:** This Agreement is for a term of one (1) year with an option to renew for an additional one (1) year term unless terminated as provided in this Agreement.
3. **Independent Contractor:** The Special Magistrate shall be deemed to be an independent contractor and not an agent or employee of the City. The Special Magistrate shall not attain any rights or benefits under the City's Civil Service or Pension Ordinances nor any rights generally afforded to City's classified or unclassified employees. The Special Magistrate is not entitled to the Florida Workers' Compensation benefits as a City employee.
4. **Compensation:** The Special Magistrate shall be compensated One Hundred Twenty-Five and No Cents (\$125.00) per hour for services, non-inclusive of travel time to and from hearings.
5. **Right of City to Terminate:** The City retains the right to terminate this Agreement, with or without cause, upon thirty (30) days written notice at any time prior to the completion of the above services without penalty. The City shall only be responsible to pay the Special Magistrate for any services actually rendered up to the date of termination.
6. **Notice:** All notices or other communications which shall or may be given pursuant to this Agreement shall be in writing and shall be delivered by personal service, or by registered mail addressed to the other party at the address indicated or as may be changed from time to time. Such notice shall be deemed given on the day on which personally served, or if by mail, on the date of actual receipt.

If to Special Magistrate: Regine Monestime, Esq.  
12550 Biscayne Blvd., Suite 800  
North Miami, FL 33181

If to City: City Manager  
City of North Miami  
776 N.E. 125<sup>th</sup> Street  
North Miami, FL 33161

With a copy: City Attorney  
City of North Miami  
776 N.E. 125<sup>th</sup> Street  
North Miami, FL 33161

Code Compliance Manager  
City of North Miami  
776 N.E. 125<sup>th</sup> Street  
North Miami, FL 33161

Police Supervisor - Code Compliance  
North Miami Police Department  
700 N.E. 124<sup>th</sup> Street  
North Miami, FL 33161

7. **Acceptance:** Please indicate your agreement with the foregoing terms and provisions by signing below and returning an executed copy of this letter to the undersigned.

For Special Magistrate:

For City of North Miami:

By: \_\_\_\_\_  
Regine Monestime, Esq.

By: \_\_\_\_\_  
Stephen E. Johnson, City Manager

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

\_\_\_\_\_  
Roland C. Galdos  
Interim City Attorney

Enclosure

cc: Donald Blanchard, Police Supervisor  
Alan Graham, Code Compliance Manager